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FO#2257905

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: April 2, 2010

OFFICE CORRESPONDENCE

FILE NO. FO2257905

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ETHAN MARQUEZ #[redacted]
DEPUTY [redacted] #[redacted]
SANTA CLARITA VALLEY STATION

Santa Clarita Valley Station personnel used force to subdue a suicidal 5150 patient which resulted in skeletal fractures requiring surgery.

Deputies Ethan Marquez and [redacted] arrived at Suspect [redacted] home. At approximately 2148 hours, they knocked on the front door, which was opened by the suspect's 19-year-old [redacted], [redacted]. The deputies asked the [redacted] if anyone inside wanted to kill themselves. He told the deputies that it was his [redacted] The deputies asked the [redacted] to exit, but he ignored them and walked back inside.

The two deputies entered the home to contact Suspect [redacted] As Deputy Marquez entered, he saw an office, located to the right of the front door. Deputy Marquez saw that the office contained several Samurai Swords, which had been placed on top of a cabinet. The deputies continued into the home, calling for the [redacted] to walk back to them so that they could obtain additional information.

Due to the nature of the call and Suspect [redacted] condition, the deputies tried to establish control of his hands while they investigated the matter further; however, Suspect [redacted] refused to cooperate and struggled against this endeavor. Deputy Marquez ultimately succeeded in gaining control of Suspect [redacted] hands. Deputy Marquez was escorting Suspect [redacted] from the residence when [redacted] intensified his resistive struggle and pulled one of his hands free from Deputy Marquez's grasp. Deputy Marquez took Suspect [redacted] to the ground, where the drunken man struck the left side of his face on the marble floor. Deputies handcuffed him without further incident.

Suspect [redacted], [redacted], advised the deputies that his [redacted] had been distraught in recent weeks as a result of being estranged from his [redacted], who went to

Asia. Deputies further learned that Suspect [redacted] had disarmed his [redacted] just days priors to this incident when the man had armed himself with a knife and threatened to harm himself.

Deputies transported Suspect [redacted] to Henry Mayo Newhall Memorial Hospital for medical examination and a 72-hour detention pursuant to 5150 Welfare and Institutions Code. Medical staff later determined that Suspect [redacted] had sustained fractures to his left maxillary sinus and left zygomatic process, apparently as a result of striking his face on the floor during the takedown. Suspect [redacted] was admitted to the hospital for 5150 WIC, and underwent surgery to repair the fractures after his psychiatric condition was treated.

On March 25, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Ethan Marquez # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN:	009-22360-0675-455	Date:	12-29-09	Time:	2146 Hours
Location:	[redacted]				
City or Station:	Castaic				
Bureau/Station/Facility:	Santa Clarita	Admin. Investigation:	YES ☐ NO ☒		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Ahten	Andrew		35	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
27233 Henry Mayo Drive	Castaic		661 257-4144	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		19	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Klement	Timothy		Sgt.	YES ☐ May 13 NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ballentine	Dion	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Miller	Gary	

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: Carlos Flores (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 2257905

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

See Reverse

Supervisor's Report on Use of Force

URN: 009-22360-0675-455

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	RS	NN	
S#1	E#2	RS	NN	
E#1	S#1	TD, CT	FR,LC	FA
E#2	S#1	CT	FR,LC	FA

See Front Side

Supervisor's Report on Use of Force
INVOL ED EMPLOYEE INFORM TION

URN: 009-22360-0675-455

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Marquez	Ethan	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Santa Clarita	66B

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	175

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Force
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	White	Santa Clarita	[redacted]

Shift		Age	Height	Weight
☐ EM ☐ Day [redacted] PM	[redacted] Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	180

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 009-22360-0675-455

Suspect Information

S1

Last Name [redacted]		First Name [redacted]		Middle Name		
AKA Last Name		First Name		Middle Name		
Sex: ☒ Male ☐ Female	Race: O	Street Address: [redacted]		City: [redacted]	State & Zip Code: [redacted]	
Work Phone: [redacted]	Home Phone: [redacted]	Age: 45	Height: 505	D.O.B. [redacted]	Weight: 150	Armed? ☐
Booking #:	Primary Charge: 5150 WIC		Secondary Charge:		Criminal History [redacted]	
Hospital Admission? ☒	Rec'd Treatment At: Henry Mayo			Coroner Case#:	Mental History ☐	
Under Influence: ☒ YES ☐ NO	Substance: alcohol		Photos of Suspect's Injuries ☒ YES ☐ NO			

Suspect Interview

Date:	Time:		
12-29-09	2230	Audiotape: ☐	Videotape: ☒

Suspect Information

S_

Last Name		First Name		Middle Name		
AKA Last Name		First Name		Middle Name		
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐
Booking #:	Primary Charge:		Secondary Charge:		Criminal History ☐	
Hospital Admission? ☐	Rec'd Treatment At:			Coroner Case#:	Mental History ☐	
Under Influence: ☐ YES ☐ NO	Substance:		Photos of Suspect's Injuries ☐ YES ☐ NO			

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name		
AKA Last Name		First Name		Middle Name		
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐
Booking #:	Primary Charge:		Secondary Charge:		Criminal History ☐	
Hospital Admission? ☐	Rec'd Treatment At:			Coroner Case#:	Mental History ☐	
Under Influence: ☐ YES ☐ NO	Substance:		Photos of Suspect's Injuries ☐ YES ☐ NO			

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Santa Clarita Station
DATE: December 29, 2009
TIME: 2146 hours
LOCATION: [redacted], Castaic
URN#: 009-22360-0675-455
IAB#: FO2257905

NATURE OF INCIDENT:

On Wednesday, December 29, 2009, at approximately 2146 hours, Deputy [redacted] and Deputy Ethan Marquez, working Unit 66B, received a call of a man threatening suicide. The man was later identified as Suspect [redacted] The call indicated that the information had been received by the Los Angeles County Fire Department. Suspect [redacted] Witness [redacted] had made the original 911 telephone call to the Fire Department.

> **IAB Note:** Information regarding Santa Clarita Station Tag 326 is included in this report. See **Miscellaneous Documents**. A recording of the 911 telephone call to the Santa Clarita Sation is also included. **See Exhibit G.**

The deputies responded to Suspect [redacted] home, located at [redacted] They arrived at approximately 2148 hours. Upon their arrival they knocked on the front door, which was opened by Witness [redacted] The deputies asked Witness [redacted] if there was anyone inside the home that wanted to kill themselves, and Witness [redacted] told them that it was his [redacted] The deputies asked Witness [redacted] to exit the home, but Witness [redacted] ignored them, and walked back inside.

The two deputies entered the home, in order to contact Suspect [redacted] As Deputy Marquez entered, he saw an office, located to the right of the front entry door. Deputy Marquez saw that the office contained several Samurai Swords, which had been placed on top of a cabinet. The deputies continued into the home, calling for Witness [redacted] to walk back to them, so that they could obtain additional information.

Witness [redacted] continued to walk further into the home, and the deputies followed.

As they entered the home's family room, they saw Suspect [redacted] which Witness [redacted] identified as his [redacted] Suspect [redacted] entered the home's dining room, and sat on one of the chairs. Deputy Marquez began questioning Suspect [redacted] but Suspect [redacted] was unresponsive. The deputies observed that Suspect [redacted] was wearing a "baggy" sweater, and they were concerned that he could be carrying a weapon.

IAB Note: Neighborhood and Area Maps are included in this case book. See **Exhibit F**. Photographs of the scene are also included, See **Exhibit E**.

Deputy Marquez directed Suspect [redacted] to stand up, so that he could be checked for weapons. Deputy Marquez took hold of Suspect [redacted] left wrist, at which point Suspect [redacted] became tense. Deputy Marquez took hold of Suspect [redacted] right wrist and applied a firm grip on both his wrists. Suspect [redacted] began shouting, and attempted to break free of Deputy Marquez' grip. Witness [redacted] also began shouting at the deputies.

Fearing an escalation of Suspect [redacted] resistence, Deputy [redacted] retrieved his TASER and pointed it at Suspect [redacted] Deputy [redacted] also requested, via his portable radio, for additional units to respond to their location. Deputy Marquez was able to pull Suspect [redacted] wrists behind his back, but Suspect [redacted] continued to pull forward and twist his body, in an attempt to break free. Because of Suspect [redacted] actions, Deputy Marquez was unable to conduct a pat down search for weapons.

IAB Note: A CD, containing a recording of Deputy [redacted] emergent radio traffic, is included in this case book. **See Exhibit I**.

The deputies were concerned about the possibility of weapons inside the home, and the possibility that Witness [redacted] would become involved. The deputies decided to escort Suspect [redacted] to the outside of the residence. Deputy Marquez, utilizing a firm grip on Suspect [redacted] wrists, began escorting him toward the front door of the residence. As they approached the door, Suspect [redacted] began pulling and twisting his body, in an apparent effort to break free. Suspect [redacted] was also shouting to Deputy Marquez to let him go.

Because of Suspect [redacted] continuous resistence, Deputy Marquez told Deputy [redacted] that they should handcuff him. Suspect [redacted] began lunging his body from side to side, at one point striking the left side of his face on the hallway wall. The deputies attempted to handcuff Suspect [redacted] but due to his resistence, they were unable to place the handcuffs on his wrists. Suspect [redacted] was able to momentarily take hold of Deputy [redacted] handcuffs, with his right hand.

The momentum of the struggle took the deputies and the suspect to the office/front door area of the home. Deputy [redacted] retrieved his Oleoresin Capsicum spray, and warned Suspect [redacted] that he was going to be sprayed if he did not stop resisting. Deputy [redacted] did this as a ruse, in the hope that Suspect [redacted] would cooperate. Suspect [redacted] continued to resist, and refused to comply with the deputies' commands.

The deputies decided that their best course of action, in order to safely control and handcuff Suspect [redacted] was to take him down to the floor. Deputy Marquez pivoted his body to the left, and using his body weight, pulled Suspect [redacted] down to the floor. Suspect [redacted] face and chest struck the floor as he was taken down. Once on the floor, Suspect [redacted] continued to resist the deputies' efforts to handcuff him. After a short struggle, the deputies were finally able to handcuff him, and detained him without further incident.

> **IAB Note:** Deputy [redacted] Incident Report, documenting his observations and actions, is included in this case book. See **Exhibit A**. Deputy Marquez' Supplemental Report, documenting his observations and actions is also included. See **Exhibit B.**

Suspect [redacted] was initially treated for his injuries by the Los Angeles County Fire Department personnel, who were already on scene. He was then transported to Henry Mayo Hospital where he received additional treatment. It was later determined that Suspect [redacted] had sustained a fracture to his left Zygomatic Arch (Cheek Bone Fracture), and a fracture to his Maxillary sinus (Nasal Fracture). Suspect [redacted] was ultimately detained for a 72-hour psychiatric evaluation and treatment, 5150 WIC.

> **IAB Note:** A CD containing a video recorded interview with Suspect [redacted] is included in this case book. **See Exhibit H**. Santa Clarita Station Sergeant Timothy Klement conducted the interview shortly after Suspect [redacted] arrived to the Henry Mayo Hospital. Photographs of Suspect [redacted] are also included. See **Exhibit D.**

Internal Affairs Bureau Lieutenant Curtis Jensen was notified, and Sergeant Carlos Flores was assigned to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

Marquez, Ethan - Deputy Sheriff, Employee #[redacted]
Santa Clarita Station
Patrol, Field Operations Region I

Date of Employment:	08-05-1999
Date Assigned to Unit:	[redacted]
Prior Founded Force Incidents:	[redacted]

[redacted] - Deputy Sheriff, Employee #[redacted]
Santa Clarita Station
Patrol, Field Operations Region I

Date of Employment:	07-20-2000
Date Assigned to Unit:	[redacted]
Prior Founded Force Incidents:	[redacted]

INVOLVED SUSPECT (S):

[redacted]

Sex:	Male
Race:	Asian
Date of Birth:	[redacted]
Charge:	5150 W.I.C.
Injury:	Fracture to left Zygomatic Arch, Maxillary Sinus Fracture

The Consolidated Criminal History System reveals that Suspect [redacted] does not have a criminal history, nor has he been arrested for any reason.

IAB Note: Suspect [redacted] DMV photograph is included in this case book. See Exhibit C.

SWORN WITNESSES INTERVIEWED:

Klement, Timothy - Sergeant #[redacted]

NON-DEPARTMENT WITNESSES:

1. [redacted] MA/19, D.O.B. [redacted]

2. **Ahten, Andrew, MW/Adult, Firefighter, Los Angeles County Fire Department, Engine Company #76, 27233 Henry Mayo Drive, Castaic, (661) 257-4144**

INVOLVED EMPLOYEE STATEMENTS:

Ethan Marquez #[redacted] was interviewed on January 14, 2010, at 0840 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at the Santa Clarita Station. Deputy Marquez chose to be interviewed without representation, and the interview was digitally audio recorded.

Deputy Marquez said that upon initially contacting Suspect [redacted] he was unresponsive and uncooperative. He said he was concerned that Suspect [redacted] possibly had a weapon on his person, and due to the nature of the call, felt that he immediately needed to search him. Deputy Marquez said that as he took hold of suspect [redacted] wrists, he immediately became resistive, attempting to break free.

Deputy Marquez said that though the suspect was resisting, he was able to control him by maintaining a firm grip on his wrists. He said he was not able to either handcuff or search the suspect, due to the suspect's actions. Deputy Marquez said he did not want to let go of Suspect [redacted] fearing that doing so would require an escalation of force.

Deputy Marquez said that while he controlled the suspect at the dining room table, he considered asking Deputy [redacted] to help him handcuff him. However, he knew that Deputy [redacted] was also monitoring the surrounding area, and he was concerned about other residents inside the home. Deputy Marquez said they decided to escort the suspect outside, because they felt it would be safer.

Deputy Marquez said that as he escorted the suspect toward the front door, he continuously attempted to break free, by moving his torso and pulling his hands. He said that the suspect was moving and pulling so much, that at one point he struck the left side of his head on a wall. Deputy Marquez said that he was becoming fatigued controlling the suspect. He said he told Deputy [redacted] that they should just handcuff the suspect, while still inside the home.

Deputy Marquez said the suspect resisted their efforts to handcuff him. He said the suspect even took hold of the handcuffs, further thwarting their efforts. He said that Deputy [redacted] warned the suspect that he was going to get sprayed with Oleoresin Capsicum, but the suspect continued to struggle. Deputy Marquez said that he saw a fireman enter the home, and he (Deputy Marquez) asked if he could help them control the suspect. He said the fireman quickly exited the home.

Deputy Marquez said that due to the suspect's continuous resistence, he felt that the best course of action was to take him down to the floor.

Marquez said he felt he would be able to better control him, and handcuff him, if he took him down. Deputy Marquez said he was also concerned about the weapons he had seen in the office (Samurai Swords), which they were now standing next to.

Deputy Marquez said he and Deputy [redacted] discussed their plan of taking the suspect down. He said he then pivoted his body to the left, and took the suspect down. He said that the suspect continued to struggle, but they were finally able to handcuff him. Deputy Marquez said that he was unaware that the suspect's face had struck the floor. He said that after the suspect was handcuffed, they escorted him outside, where the paramedics began treating him.

Refer to Deputy Marquez' verbatim interview transcript, and Supplemental Report (**Exhibit B**) for further details.

[redacted] Deputy Sheriff #[redacted]

Deputy [redacted] was interviewed by Internal Affairs Sergeant Carlos Flores on January 14, 2010, at 0755 hours. The interview was conducted at the Santa Clarita Sheriff's Station. Deputy [redacted] chose to be interviewed without representation, and the interview was digitally audio recorded.

Deputy [redacted] stated that upon contacting Suspect [redacted] at the dining room table, he was extremely uncooperative. He said that when Deputy Marquez took hold of Suspect [redacted] n order to conduct a pat down search for weapons, he began pulling his hands, attempting to break free. Deputy [redacted] said he did not assist Deputy Marquez at that point, because he was concerned about other family members that were in the home. He said he was confident in Deputy Marquez' ability to control the suspect. Deputy [redacted] said he asked for additional units to respond, via his portable radio.

> **IAB Note:** A recording of Deputy [redacted] emergent radio traffic is included in this case book. See **Exhibit I**. In the recording, Deputy [redacted] is heard requesting two units to respond to his location, regarding an uncooperative suspect.

Deputy [redacted] said they made a decision to escort the suspect out of the home, because they felt it was safer. He said that Deputy Marquez began escorting the suspect toward the front door, as he (Deputy [redacted]) "kept an eye" on their surroundings. Deputy [redacted] said the suspect continued to move his body, and pull his hands, resisting Deputy Marquez' efforts to control him. He said that he saw the suspect lung forward, and strike his head on a wall.

Deputy [redacted] said that before they reached the front door, Deputy Marquez told him that they were going to have to handcuff the suspect.

[redacted] said they attempted to handcuff the suspect, but his resistence prevented them. He said that the suspect grabbed the handcuff, which additionally frustrated their efforts. Deputy [redacted] said he warned to the suspect that he would be sprayed with Oleoresin Capsicum, but the suspect continued to struggle. He said he was not really going to spray the suspect, but warned him in the hopes that he would then cooperate. He said that he did not spray the suspect, because he did not want to contaminate his partner.

Deputy [redacted] said that he suggested to Deputy Marquez to take the suspect down to the floor. He said he believed they would be able to better control and handcuff the suspect, if they took him down. Deputy [redacted] said he saw Deputy Marquez pivot to his left, and he took the suspect down to the floor. He said the suspect continued to struggle, but they were finally able to handcuff him. Deputy [redacted] said he saw the suspect hit his face on the floor, when he was taken down by Deputy Marquez.

Deputy [redacted] said that prior to taking the suspect down to the floor, a firefighter (Witness Ahten) entered the residence. He said they asked the firefighter for help, but the firefighter exited the home. He said the firefighter possibly exited the home, because he thought the suspect was about to be sprayed with Oleoresin Capsicum.

See Deputy [redacted] interview transcript for further details. Deputy [redacted] Incident Report is also included (**Exhibit A**).

SUSPECT'S STATEMENTS:

Suspect [redacted] was interviewed by Santa Clarita Station Sergeant Klement, and the Watch Commander, Sergeant Gary Miller #[redacted] on December 29, 2009, at 2316 hours. The interview was conducted at the Henry Mayo Hospital, located at 23845 McBean Parkway, in Valencia, and was video recorded. **(Exhibit H).**

When questioned about what had occurred, Suspect [redacted] would only say that he was "beat up." When asked to elaborate, Suspect [redacted] stated that he would not be making any further statements, and that he wanted to contact his attorney. Sergeant Klement then concluded the interview. Based on Suspect [redacted] statements, the Internal Affairs Bureau investigators did not contact him.

DEPARTMENT WITNESS STATEMENTS:

Klement, Timothy, Sergeant #[redacted]

Sergeant Klement has been a department member for twenty-one years. He has been a sergeant for two years, and has been assigned to the Santa Clarita Station for five months. He was telephonically interviewed by Internal Affairs Sergeant Carlos Flores on January 15, 2010 at 1315 hours. The interview was digitally audio recorded.

Sergeant Klement said he was not present when the deputies took Suspect [redacted] into custody, but he did respond shortly after. He said he did not witness the force that the deputies used, but the deputies reported their force immediately upon his arrival to the location.

Sergeant Klement said he interviewed two witnesses at the scene, Witness [redacted] and Witness Andre Ahten. Both interviews were video recorded (**Exhibit H**). Witness Klement also said he interviewed Suspect [redacted] at the Henry Mayo Hospital, which was also video recorded (**Exhibit H**). He said that while at the hospital, he was informed by the medical staff of Suspect [redacted] injuries. However, due to the regulations in the Health Insurance Portability and Accountability Act (HIPAA), the staff would not provide him with any documentation regarding Suspect [redacted] medical treatment.

For Sergeant Klement's complete statement, see his verbatim interview transcript.

NON-DEPARTMENT WITNESS STATEMENTS:

[redacted]

Witness [redacted] is Suspect [redacted] nineteen year old [redacted] He also resides at [redacted] He was interviewed by Santa Clarita Sergeant Timothy Klement on December 29, 2009, at 2224 hours. The interview was video recorded.

Witness [redacted] stated that his [redacted] Suspect [redacted] was drinking alcoholic beverages, and became drunk. He said the suspect began saying that he wanted to kill himself, and he (Witness [redacted] became frightened. Witness [redacted] said he called 911, due to the suspect's behavior.

Witness [redacted] said the deputies responded and contacted the suspect in the dining room of the residence. He said one of the deputies took hold of the suspect and began escorting him toward the front door. Witness [redacted] said he saw that the suspect became tense when the deputy took hold of him. He said he heard the deputies shouting commands to the suspect, but due to his inebriated state, he was unresponsive.

Witness [redacted] said he saw the deputies attempt to handcuff the suspect, but the suspect began telling them he did not want to be handcuffed. He said he saw that the suspect momentarily took hold of the deputy's handcuffs. Witness [redacted] said he then saw the escorting deputy pivot to his left, and took the suspect down to the floor. He said the suspect struck his face on the floor, causing an injury.

Witness [redacted] said the deputies then handcuffed the suspect, and escorted him outside. He said the suspect was then taken to the hospital, via ambulance.

Witness [redacted] said that for the last several weeks, the suspect has been very difficult to reason with. He said his [redacted] left home and went to China, and the suspect misses her very much. Witness [redacted] said that recently, the suspect has been drinking alcoholic beverages more often.

Witness [redacted] said that the suspect did not want to harm anyone, and he (Witness [redacted] believes the deputies should have been "gentler" when they contacted him (Suspect [redacted]. Witness [redacted] additionally told Deputy [redacted] that on Saturday, December 26, 2009, his [redacted] had also threatened to kill himself. He told Deputy [redacted] that on that date he had to forcefully remove a knife from his [redacted] hands (See **Exhibit A**).

> **IAB Note:** A CD, containing the video recording of Witness [redacted] interview, is included in this case book. See **Exhibit** H.

Andrew Ahten

Witness Ahten is a firefighter with the Los Angeles County Fire Department, Engine Company #76, in Castaic. He was interviewed by Santa Clarita Sergeant Timothy Klement on December 29, 2009, at 2211 hours. The interview was video recorded.

Witness Ahten stated that he responded to the suspect's home due to a "psych rescue" call. Upon his arrival he approached the front door, and saw two deputies struggling with the suspect. He said that it appeared that the deputies had the suspect in a "control hold," but the suspect was being combative and not following the deputies' instructions. Witness Ahten said he also heard the suspect shouting at the deputies, and was "obviously agitated."

Witness Ahten said he heard the deputies telling the suspect to "calm down," but the suspect continued to physically resist their efforts. He said he then heard one of the deputies state that he was going to use his spray (Oleoresin Capsicum), and the deputy suggested that he (Witness Ahten) step back outside. Witness Ahten said he stepped back outside, and away from the front door.

> **IAB Note:** During their interviews, Deputy Marquez, and Deputy [redacted] stated that they actually asked the firefighter to assist them with Suspect [redacted]

Witness Ahten said that the deputies were finally able to subdue the suspect, after they took him down to the floor. He said they then escorted him outside. He said the paramedics began treating the suspect, and eventually placed him inside the ambulance. Witness Ahten said he saw a one and one-half inch laceration above the suspect's left eye.

IAB Note: A CD, containing the video recording of Witness Ahten's interview, is included in this case book. See **Exhibit H**.

SUSPECT'S INJURIES:

Suspect [redacted] was transported to Henry Mayo Hospital, located at 23845 McBean Parkway, in Valencia. He was treated by Emergency Room Doctor Lawrence. Santa Clarita Sergeant Timothy Klement contacted Doctor Lawrence, and inquired about his injuries. Doctor Lawrence advised that sutures would be required for an injury (laceration) that Suspect [redacted] sustained above his left eye.

Sergeant Klement was later informed that Suspect [redacted] had sustained a fracture to his left Zygomatic Arch (Cheek Bone Fracture), and a fracture to his Maxillary sinus (Nasal Fracture). Sergeant Klement took photographs of Suspect [redacted] injuries (**Exhibit D**), and video recorded his interview (**Exhibit H**).

IAB Note: Due to the regulations in the Health Insurance Portability and Accountability Act (HIPAA), Suspect [redacted] medical treatment documentation was not provided to Sergeant Klement.

DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene. However, the scene was video recorded by Field Sergeant Timothy Klement.

IAB Note: A CD, containing the video recording of the scene, is included in this case book. See **Exhibit H**. Several video stills were also printed and included in this case book. See **Exhibit E**.

INVESTIGATORS OBSERVATIONS:

The Internal Affairs Bureau Investigators did not respond to the suspect's home. However, they did review the video recordings provided by Santa Clarita Sergeant Timothy Klement (**Exhibit H**). Based on the review of the video, it appears that the suspect's home is a two story, single family residence. There is an office located just to the right of the home's front entry door. The office contains what appears to be several Samurai Swords. (**Exhibits E and H**).

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, hands (Takedown).

WEAPONS USED BY SUSPECTS:

Personal weapons, Resistance.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

No Charges Filed. Suspect detained for 5150 WIC.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred on a clear evening at 2146 hours. The incident occurred inside the suspect's residence.